

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE

RECEIVED  
IN CLERK'S OFFICE  
DEC 29 2014  
U.S. DISTRICT COURT  
MID. DIST. TENN.

CRAIG CUNNINGHAM, Pro-se

*Plaintiff*

v.

Citibank

*Defendants.*

CIVIL ACTION NO.:

**Plaintiff's Original complaint**

1. The Plaintiff in this case is Craig Cunningham, a natural person and was resident of Davidson County at all times relevant to the complaint, and currently has a mailing address of 5543 Edmondson Pike, ste 248, Nashville, TN 37211
2. Upon information and belief, Citibank is a Delaware corporation operating from 399 Park Avenue, New York, New York 10022 and can be served at that address.

**Jurisdiction**

3. Jurisdiction of this court arises as the acts happened in this county.
4. Venue in this District is proper in that the defendants transact business here, and the acts and transactions occurred here.

**FACTUAL ALLEGATIONS**

5. In 2014, the Plaintiff received at automated phone call to the Plaintiff's cell phone which failed to connect the Plaintiff to an agent. The Plaintiff called the

number back and an agent for Citibank answered stating they were attempting to collect a debt for someone other than the Plaintiff. The agent confirmed that they had called the Plaintiff, but they had the wrong number and were seeking someone else. The Plaintiff has not given any authorization to be called with a pre-recorded message or automated calls to his cell phone.

6. Additionally, the Plaintiff has never had an account with Citibank of any type in hi life. The Plaintiff has not given his phone number to Citibank, and the other person Brandon Callier had not given the Plaintiff's number to Citibank either.
7. When asked, they agent stated that he didn't really know where they obtained the Plaintiff's cell phone number from and couldn't possibly ascertain that information.

## **CAUSES OF ACTION:**

### **COUNT I**

#### **Violations of the Telephone Consumer Protection Act (TCPA)**

8. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
9. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing unsolicited and unwelcome telephone calls to the Plaintiff's cell phone. These phone calls also violated the TCPA by having an pre-recorded message that failed to contain the name, address, and phone number for the entity for which the calls are being place as required under the TCPA. Additionally,

these calls violated the Plaintiff's request for no further calls.

## **COUNT II**

### **Violations of the Telephone Consumer Protection Act (TCPA)**

10. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.

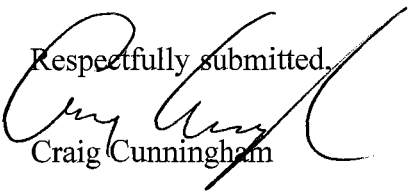
11. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing automated calls with pre-recorded messages to the Plaintiff's Cell phone.

### **PRAYER FOR DAMAGES AND RELIEFS**

- A. WHEREFORE, Plaintiff, Cunningham, respectfully prays and requests that judgment be entered against Defendants
- B. Statutory damages of \$3000 for each phone call.
- C. Pre-judgment interest from the date of the phone calls.
- D. Punitive damages for all claims in the amount of \$30,00
- E. Attorney's fees for bringing this action as incurred; and
- F. Costs of bringing this action; and
- G. For such other and further relief as the Court may deem just and proper

I, Craig Cunningham, Affiant, hereby attest to and certify that the facts contained in the foregoing complaint are true and correct to the best of my knowledge, information and belief and that a true and correct copy of the foregoing was sent to the defendants in this case.

Respectfully submitted,

  
Craig Cunningham

Plaintiff, Pro-se

Mailing address:

5543 Edmondson Pike, ste 248

Nashville, tn 37211

~~828-291-7465~~ 615-348-1977  
December 19<sup>th</sup>, 2014